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AND THE TREATMENT OF OFFENDERS

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Items 4 and 6 of the provisional agenda*

ACTION AGAINST NATIONAL AND TRANSNATIONAL ECONOMIC AND ORGANIZED CRIME, AND THE ROLE OF CRIMINAL LAW IN THE PROTECTION OF THE ENVIRONMENT: NATIONAL EXPERIENCES AND INTERNATIONAL COOPERATION

CRIME PREVENTION STRATEGIES, IN PARTICULAR AS RELATED TO CRIMES IN URBAN AREAS AND JUVENILE AND VIOLENT CRIMINALITY, INCLUDING THE QUESTION OF VICTIMS: ASSESSMENT AND NEW PERSPECTIVES

Note verbale dated 15 December 1994 from the Permanent Mission of Japan to the United Nations (Vienna) addressed to the United Nations Office at Vienna

The Permanent Mission of Japan to the International Organizations in Vienna presents its compliments to the United Nations Office at Vienna and, with reference to the Secretary-General's letter of 24 October 1994, has the honour to transmit, in accordance with rule 28 of the rules of procedure for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, contained in the annex to Economic and Social Council resolution 1993/32, the draft resolution prepared by the Japanese Government for the Ninth Congress, to be held at Cairo.

Due to technical reasons, the draft resolution transmitted with the note verbale dated 30 November 1994 should be replaced by the attached text. It would be appreciated if the United Nations Office at Vienna could circulate this text as the draft resolution submitted by Japan.

The Permanent Mission of Japan to the International Organizations in Vienna avails itself of this opportunity to renew to the United Nations Office at Vienna the assurances of its highest consideration.

*A/CONF.169/1.

DRAFT RESOLUTION

Control of firearms

The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Bearing in mind that one of the purposes of the United Nations, as stated in Article 1 of the Charter of the United Nations, is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all,

Recalling General Assembly resolution 46/152 of 18 December 1991, on the creation of an effective United Nations crime prevention and criminal justice programme,

Also recalling Economic and Social Council resolution 1994/19 of 25 July 1994, on preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Welcoming with appreciation the conclusions and recommendations of the five regional preparatory meetings for the Ninth Congress[1] in particular the resolution of the Asia and Pacific Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Bangkok from 17 to 21 January 1994,[2] and the resolution of the Western Asia Regional Preparatory Meeting for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Amman from 20 to 24 March 1994,[3] in which Member States were called on to promote the adequate control of firearms and other high-risk weapons by means of both regulations and law enforcement with a view to diminishing violent criminality,

Bearing in mind Commission on Narcotic Drugs resolution 9 (XXXVI) of 7 April 1993, on the relationship between the illicit traffic in arms and explosives and illicit drug trafficking, in which the Commission recommended that States should consider establishing or improving appropriate controls on transfers of explosives, munitions and armaments,

Acknowledging that the General Assembly, in its resolution 49/159 of 23 December 1994, took note with appreciation of the conclusions and recommendations of the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994,[4]

1. *Adopts* the Declaration on the Control of Firearms, annexed to the present resolution;

2. *Requests* the Commission on Crime Prevention and Criminal Justice, at its fourth session, to submit the Declaration on the Control of Firearms, through the Economic and Social Council, to the General Assembly for its approval;

3. *Also requests* the Commission on Crime Prevention and Criminal Justice, at its fifth session, to consider, under a separate agenda item, measures to control firearms commonly applicable to Member States, such as the prevention of transnational illicit trafficking in firearms, with a view to suppressing the use of firearms in criminal activities;

4. *Requests* the Secretary-General to establish and maintain close cooperation with Member States and intergovernmental and other organizations active in the field of firearms control, *inter alia*, by the regular exchange of data and other information on, among other things, the following topics:

(a) Criminal cases in which firearms are used, including the number of such cases and the number of victims involved, and the status of control of firearms by law enforcement authorities;

(b) The situation with regard to transnational illicit trafficking in firearms;

(c) National legislation and regulations relevant to the control of firearms;

(d) Relevant initiatives for the control of firearms at the regional and interregional levels;

5. *Also requests* the Secretary-General to initiate a study on, *inter alia*, the topics listed in paragraph 4 above, in order to provide the Commission on Crime Prevention and Criminal Justice at its fifth session with a basis for its consideration of measures to control firearms;

6. *Calls upon* Member States and intergovernmental and other organizations active in the field of firearms control to extend their full support to the United Nations crime prevention and criminal justice programme and its activities in that field;

7. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at its fifth session, on the implementation of the present resolution, including recommendations for further concerted action at the global level.

Annex

DECLARATION ON THE CONTROL OF FIREARMS

We, the Member States of the United Nations,

Assembled at Cairo to consider ways and means of promoting international cooperation in the field of crime prevention and criminal justice and, *inter alia*, of establishing effective crime prevention strategies,

Alarmed by the general incidence of crimes, in particular by the extent of criminality and by the dangers posed to public welfare by new forms of criminal activities that transcend national boundaries,

Alarmed also by the high cost of crime, in human and material terms, especially in its new transnational forms, and aware of the effects of crime both on institutions of States and on individual victims,

Conscious of the responsibility of States not only to prevent crime and protect human rights, but also to ensure that justice is done and that the rule of law is upheld throughout the criminal justice process,

Aware that the full enjoyment of human rights can be facilitated by the concerted efforts of States to ensure the security of law-abiding citizens,

Deeply concerned over the grave suffering in the international community caused by the high incidence of violent crimes involving the use of firearms,

Concerned that the high incidence of crimes involving the use of firearms is closely related to the abundance of firearms in society without appropriate control of their possession and storage and, *inter alia*, to the fact that even persons who are most likely to use them for criminal activities have easy access to them,

Affirming that the eradication of crimes involving the use of firearms is a goal that the international community should pursue,

Determined to expand the scope of international cooperation in the field of firearms control,

Declare herewith the following:

(a) Criminal activities in which firearms are used are increasing because illicit trafficking in firearms, at both the national and the transnational levels, is expanding. With the increasing dimensions and scale of international transport and the increasing sophistication of transnational illicit trafficking, no State is immune to the effects of lacking or lax legislative and administrative control of firearms in other States. There is currently an urgent need to establish a common strategy for effective control of firearms at the global level;

(b) Illicit trafficking in firearms is a widespread transnational criminal activity that frequently involves transnational criminal syndicates. States should take effective action against it, through mutual cooperation, the exchange of information and the coordination of law enforcement activities;

(c) While primary responsibility for the control of firearms rests with States, the achievement of that goal depends to a large extent on the confidence of the population, with the understanding of and support from the general public. States should therefore give due attention to promoting public awareness campaigns on the control of firearms;

(d) All United Nations organs, bodies and specialized agencies should be urged to take up more seriously the issue of firearms control, within the framework of their mandates. Interested intergovernmental and non-governmental organizations should be encouraged to actively contribute, in accordance with their areas of competence, to promoting the control of firearms;

(e) In order to facilitate the activities of the United Nations in the field of firearms control, sufficient resources, both financial and human, should be allocated to the Crime Prevention and Criminal Justice Branch of the Secretariat.

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[1]A/CONF.169/RPM.1/Rev.1 and Corr.1, A/CONF.169/RPM.2, A/CONF.169/RPM.3 and Corr.1, A/CONF.169/RPM.4 and A/CONF.169/RPM.5.

[2]A/CONF.169/RPM.1/Rev.1 and Corr.1.

[3]A/CONF.169/RPM.5.

[4]A/49/748, annex.